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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

| Office Action Summary | Application No. 10/713,319 | Applicant(s) RAO, SUMITA | |
|---|---|---|---|
| | Examiner ROBERTA PRENDERGAST | Art Unit 2628 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on 06 December 2007.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) 1-18,24,25 and 28-30 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-18,24,25 and 28-30 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

# DETAILED ACTION

## *Claim Objections*

Examiner acknowledges the amendment to claim 13, filed 12/6/2007, overcoming the objection, and therefore the objection to claim 13 is hereby withdrawn.

## *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

**Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carmel et al. U.S. Patent No. 5841432 in view of Berend et al. U.S. Patent No. 5692117 and Crosby U.S. Patent No. 5113493.**

Referring to claim 1, Carmel et al. teaches a method for displaying an animation, comprising receiving an instruction to display an animation, the animation comprising a plurality of images ordered for sequential display (Figs. 1, 2, and 8; column 2, lines 16-31, i.e. an animation consisting of a plurality of image files is created and stored and then the end user requests an animation file), retrieving an animation file responsive to the instruction, the animation file providing an ordering of the images (Figs. 4, 7, and 9, i.e. images in each frame are ordered by layers and frames are sequentially ordered

from start to finish), determining a first set of the images, which in display order, aggregate to a size up to a maximum size (Figs. 4 and 9; column 4, lines 14-67; column 5, lines 8-23 and 37-57, i.e. each frame is a segment file comprised of a set of images and comprises a final complete image whose size is less than the maximum size and the maximum size of each segment is the total number of images and the maximum size of the animation file is the total number of frames), a first set of images having a final image, determining a second set of the images, which in display order, aggregate to a size up to a maximum size, an image in the second set being in sequence behind the final image, generating a first segment file indicative of the first set of images, generating a second segment file indicative of the second set of images (Figs. 4 and 9; column 4, lines 14-56, i.e. each frame is a segment file comprised of a set of images and comprises a final complete image whose size is less than the maximum size and the maximum size of each segment is the total number of images and the maximum size of the animation file is the total number of frames), loading the first set of images into a memory readable by an animation engine according to the first segment file, displaying sequentially, using the image order in the animation file, each image in the first set as a first animation segment, and displaying sequentially, using the image order in the animation file, each image in the second set as a second animation segment (Abstract; Figs. 1, 2, and 4-9; column 2, lines 16-50; column 3, lines 21-51; column 4, lines 1-8, 16-34 and 45-66; column 6, lines 54-65; columns 6-7, lines 62-4; column 7, lines 15-22, i.e. each of the frames in the animation file are generated, sequentially arranged, transmitted and displayed sequentially at the frame rate designated in the

animation file and it is understood that storing an animation file in a memory for later use during the display of the animation indicates that the memory is readable by an animation engine) but does not specifically teach determining a maximum size related to a maximum amount of memory usable to load images, associating a callback identifier with the second segment file, providing the callback identifier along with the first segment file, retrieving the callback identifier from the first segment file, and using the callback identifier to load the second set of images into the memory according to the second segment file.

Berend et al. teaches a first animation sequence consisting of a first set of frames and a second sequence having a second set of frames and associating a callback identifier with the second segment/sequence file, providing the callback identifier along with the first segment/sequence file (Abstract; Figs. 12, 13a-e, 16, 24-26, 28a-d, and 29a-d; columns 14-15, lines 46-8; column 16, lines 46-60; column 17, lines 5-14 and 34-56; column 22, lines 24-51, i.e. each key frame sequence file is stored as a linked list, as each new key frame is added the address in memory of the new key frame is inserted into the “next key frame” pointer of the previous key frame or key frames in the timeline, if the new key frame is being added between two key frames then the address of the succeeding key frame is inserted into the “next key frame” pointer of the new key frame and the addresses of both the preceding key frame and the new key frame are inserted into the “previous key frame” pointers of the new key frame and the succeeding key frame, the sequence of key frames and interpolated frames are stored as segments or sub-segments which are also stored in a linked list),

retrieving the callback identifier from the first segment file, using the callback identifier to load the second set of images into the memory according to the second segment file (Figs. 4, 11, 16-18 and 24-27a-d; column 16, lines 16-30 and 46-60; column 19, lines 1-8 and14-36; column 30, lines 33-63 i.e. the callback identifier is a link comprising a pointer from the previous key frame sequence file to the next key frame sequence file to be loaded from memory and displayed sequentially in the animation processor/engine).

Crosby teaches determining a maximum size related to a maximum amount of memory usable to load images (column 3, lines 56-64; column 6, lines 28-31; column 8, lines 13-43; column 9, lines 31-42; column 10, lines 64-68; column 11, lines 4-16, i.e. reading in large groups of animation file records, wherein still images are read into a current image array and pixel-set records of the current image array are compared to the previous pixel-set records thus indicating that the animation file records include images, according to file size and computer memory size such that the file size is kept within the limit of what may be entirely read into memory is understood to be determining a maximum size related to a maximum amount of usable memory as claimed).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method of Carmel et al. to include the teachings of Berend et al. and Crosby thereby enabling individual frames, sub-sequences or sequences to be moved in time by breaking and replacing links on either side of the frame, sequence or sub-sequence (Berend et al.: column 18, lines 21-26) and further setting the size of the animation files to a maximum size thus eliminating

undesirable pauses by reducing file access time and further ensuring that the animation files fit within the available memory space when memory space is limited (Crosby: column 8, lines 34-43).

Referring to claim 2, the rationale for claim 1 is incorporated herein, Carmel et al., as modified above, teaches the method for displaying an animation according to claim 1, wherein each of the images are stored as individual graphics files (column 6, lines 50-65, i.e. each image is stored as an individual thumbnail graphics file and each frame is stored as an individual frame file comprised of layers of image graphics files).

Referring to claim 3, the rationale for claim 1 is incorporated herein, Carmel et al., as modified above, teaches the method for displaying an animation according to claim 1, wherein the animation file further comprises information indicative of the size of individual ones of the images, and the size information is used in determining the first set of images (column 4, lines 31-45 and 62-67; column 5, lines 29-44, i.e. each animation file includes information comprising the total number of images and total number of frames, each frame file includes the number of layers, each layer includes an image id, and each image file includes the number of objects).

Referring to claim 4, the rationale for claim 1 is incorporated herein, Carmel et al., as modified above, teaches the method for displaying an animation according to claim 1, wherein the maximum size is set to further correspond to a number of images (column 4, lines 24-45; column 5, lines 36-37, i.e. each frame segment contains a maximum size of up to five images/layers containing a maximum of up to 255 objects per image and the size is set to a number of frames).

Referring to claim 5, the rationale for claim 1 is incorporated herein, Carmel et al., as modified above, teaches the method for displaying an animation according to claim 1, but does not specifically teach wherein the maximum size is set at a predetermined memory size for an embedded system.

Crosby teaches wherein the maximum size is set at a predetermined memory size for an embedded system (column 3, lines 56-64; column 6, lines 28-31; column 8, lines 13-43; column 9, lines 31-42; column 10, lines 64-68; column 11, lines 4-16, i.e. it is understood that reading in large groups of animation file records according to file size and computer memory size such that the file size is kept within the limit of what may be entirely read into memory would necessitate predetermining the size of the available memory in an embedded system and that reading in large groups of animation file records according to file size and computer memory size such that the file size is kept within the limit of what may be entirely read into main memory wherein the main memory is part of an embedded system).

The rationale for combining Carmel et al. with the teachings of Berend et al. and Crosby as found in the motivation statement of claim 1 is incorporated herein.

Referring to claim 6, the rationale for claim 1 is incorporated herein, Carmel et al., as modified above, teaches the method for displaying an animation according to claim 1, but does not teach wherein the maximum size is generated responsive to an inquiry regarding available memory.

Crosby teaches wherein the maximum size is generated responsive to an inquiry regarding available memory (column 8, lines 13-43, i.e. it is understood that reading in

large groups of animation file records according to file size and computer memory size such that the file size is kept within the limit of what may be entirely read into memory would necessitate an inquiry regarding available memory).

The rationale for combining Carmel et al. with the teachings of Berend et al. and Crosby as found in the motivation statement of claim 1 is incorporated herein.

Referring to claim 7, the rationale for claim 1 is incorporated herein, Carmel et al., as modified above, teaches the method for displaying an animation according to claim 1, wherein the first segment file provides a file identifier for each of the images in the first set (Fig. 4(elements 71-75); column 5, lines 8-35, i.e. each frame segment contains the number of layers 1-n, each layer contains a layer id 1-n, each layer also contains an image id corresponding to a particular image that is identified by the image id number).

Referring to claim 8, the rationale for claim 1 is incorporated herein, Carmel et al., as modified above, teaches the method for displaying an animation according to claim 1 wherein the associating step includes using the callback identifier as a name for the second segment file (Fig. 4(element 75); column 5, lines 8-35, i.e. each image is identified by the image id number and thus the image id is understood to be the name of the image).

Referring to claim 9, the rationale for claim 1 is incorporated herein, Carmel et al., as modified above, teaches the method for displaying an animation according to claim 1 wherein the associating step includes placing the callback identifier as data in the second segment file (Fig. 4(element 75); column 5, lines 8-35, i.e. each image is

identified by the image id number, which is stored in the image segment file, and thus the image id is understood to be the callback identifier of the image).

Referring to claim 10, the rationale for claim 1 is incorporated herein, Carmel et al., as modified above, teaches the method for displaying an animation according to claim 1 wherein providing the callback identifier includes using the callback identifier as part of a name for the first segment file.

At the time the invention was made, it would have been an obvious matter to a person of ordinary skill in the art to include using the callback identifier as part of a name for the first segment file in the invention of Carmel because Applicant has not disclosed that including using the callback identifier as part of a name for the first segment file provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Carmel's invention, and applicant's invention, to perform equally well with either the segment file naming convention taught by Carmel or the claimed segment file naming convention because both segment file naming conventions would perform the same function of naming the sequential animation segment files equally well.

Therefore, it would have been prima facie obvious to modify Carmel to obtain the invention as specified in claim 10 because such a modification would have been considered a mere design consideration which fails to patentably distinguish over the prior art of Carmel.

Referring to claim 11, the rationale for claim 1 is incorporated herein, Carmel et al., as modified above, teaches the method for displaying an animation according to

claim 1 wherein providing the callback identifier includes placing the callback identifier as data in the first segment file (Carmel et al.: Fig. 4(element 71-75); column 5, lines 8-35, i.e. each layer segment contains the image id of a particular image file; Berend et al.: column 16, lines 46-60; column 17, lines 15-29; column 18, lines 21-26, i.e. animation sequences/segments are stored in linked lists indicating that the first sequence/segment file has a pointer/callback identifier that points to the first frame in the second sequence/segment which is understood to be the next frame).

Referring to claim 12, the rationale for claim 1 is incorporated herein, Carmel et al., as modified above, teaches the method for displaying an animation according to claim 1 wherein the second set of images are being loaded into the animation processor while the images in the first set are being displayed (Abstract; column 5, lines 3-7).

Referring to claim 13, the rationale for claim 1 is incorporated herein, Carmel et al., as modified above, teaches a method of generating animation segment files, comprising receiving an animation file that identifies and orders a set of images (Figs. 4, 7, and 9, i.e. images in each frame are ordered by layers and frames are sequentially ordered from start to finish), dividing the set of images into sequential subsets of images, each subset smaller than a maximum size and indicative of an animation segment (Figs. 4 and 9; column 4, lines 14-56, i.e. each frame is a segment file comprised of a set of images and comprises a final complete image whose size is less than the maximum size and the maximum size of each segment is the total number of images and the maximum size of the animation file is the total number of frames), associating a subset identifier with each respective subset(Fig. 4(elements 73-75);

column 4, lines 62-67; column 5, lines 1-36, i.e. each frame has a frame id, number of layers, and a layer id and each image has an image id, each layer id is associated with an image id used to identify a particular image), but does not specifically teach associating an action instruction with each respective segment, and wherein the action instruction associated with one subset identifies another one of the subsets.

Berend et al. teaches associating an action instruction with each respective segment, and wherein the action instruction associated with one subset identifies another one of the subsets (Figs. 4, 11, 16-18 and 24-27a-d; column 16, lines 16-30 and 46-60; column 19, lines 1-8 and14-36; column 30, lines 33-63 i.e. the action instruction is a link comprising a pointer from the previous key frame file to the next key frame file to be loaded and displayed in the animation processor).

The rationale for combining Carmel et al. with the teachings of Berend et al. and Crosby as found in the motivation statement of claim 1 is incorporated herein.

Referring to claim 14, claim 14 recites the limitations of claims 4 and 13 and therefore the rationale for the rejection of claims 4 and 13 are incorporated herein.

Referring to claim 15, claim 15 recites the limitations of claims 5 and 13 and therefore the rationale for the rejection of claims 5 and 13 are incorporated herein.

Referring to claim 16, the rationale for claim 13 is incorporated herein, Carmel et al., as modified above, teaches the method of generating animation segment files according to claim 13, but does not specifically teach wherein an action instruction is used to identify the last subset.

Berend et al. teaches wherein an action instruction is used to identify the last subset (Figs. 4, 11, 16-18 and 24-27a-d; column 16, lines 16-30 and 46-60; column 19, lines 1-8 and14-36; column 30, lines 33-63 i.e. the action instruction is a link comprising a pointer from the previous key frame file to the next key frame file to be loaded and displayed in the animation processor, if there are no more frames the pointer will be null indicating that the current subset is the last subset).

The rationale for combining Carmel et al. with the teachings of Berend et al. and Crosby as found in the motivation statement of claim 1 is incorporated herein.

Referring to claim 17, Carmel et al., as modified above, teaches the elements of claim 1 but does not specifically teach releasing memory holding at least one of the images in the first subset of images.

Crosby teaches wherein file size is kept within the limit of what may be entirely read into main memory such that files having a large number of records is split into “super records” depending on the file size and computer memory size (column 8, lines 13-46; column 13, lines 43-51, i.e. dividing an animation file containing a large number of records such that each file segment fits available memory while still being large enough to reduce the pauses and jerks in the animated display caused by reading the records intermittently simultaneously with the animated display indicates that the memory is being released in order to allow the next file segment to be read into main memory).

The rationale for combining Carmel et al. with the teachings of Berend et al. and Crosby as found in the motivation statement of claim 1 is incorporated herein.

Referring to claim 18, claim 18 recites the limitations of claims 12 and 17 and therefore the rationale for the rejection of claims 12 and 17 are incorporated herein.

**Claims 24 and 28-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carmel et al. in view of Berend et al. and Crosby as applied to claim 24 above, and further in view of Obrador U.S. Patent No. 2003/0191776.**

Referring to claim 24, Carmel et al., as modified above, teaches the elements of claim 1 but does not specifically teach receiving a media file providing a first one of the media objects and a second one of the media objects, the second media object being an animation file; associating a callback identifier with the second media object; providing the callback identifier along with the first media object; loading the first media object into a memory usable for presenting the first media object; using the callback identifier to load the second media object into the memory that is usable for presenting the second media object where the animation file has at least a first and second segment associate with it, each segment comprising at least one image, each image being a displayable image, where each segment has a size up to a maximum size, the maximum size being related to a maximum amount of memory usable for loading images.

Berend et al. teaches associating a callback identifier with the second media object, the second media object being an animation sequence file; providing the callback identifier along with the first media object, where the animation file has at least

a first and second segment associate with it, each segment comprising at least one image, each image being a displayable image (Abstract; Figs. 12, 13a-e, 16, 24-26, 28a-d, and 29a-d; columns 14-15, lines 46-8; column 16, lines 46-60; column 17, lines 5-14 and 34-56; column 22, lines 24-51, i.e. a sequence of key frames/displayable images and interpolated frames are stored as animation segments or sub-segments, each segment comprising at least one key frame/displayable image, that are stored in a linked list with the address in memory of the first key frame of the next animation segment inserted into the “next key frame” pointer of the last key frame of the previous animation segment and the address in memory of the last key frame of the previous animation segment inserted into the “previous key frame” pointer of the first key frame of the next animation segment), retrieving the callback identifier from the first segment file, using the callback identifier to load the second media object/animation segment file into the memory according to the second media object/animation segment file (Figs. 4, 11, 16-18 and 24-27a-d; column 16, lines 16-30 and 46-60; column 19, lines 1-8 and14-36; column 30, lines 33-63 i.e. the callback identifier is a link comprising a pointer from the previous animation sequence file to the next animation sequence file to be loaded from memory and displayed sequentially by the animation processor).

Crosby teaches where each segment has a size up to a maximum size, the maximum size being related to a maximum amount of memory usable for loading images (column 3, lines 56-64; column 6, lines 28-31; column 8, lines 13-43; column 9, lines 31-42; column 10, lines 64-68; column 11, lines 4-16, i.e. segmenting large groups of animation file records, pixel-set records of the current image array are compared to

the previous pixel-set records indicating that the animation file records include images, according to file size and computer memory size such that the file segment has a size that is kept within the limit of what may be entirely read into memory thus determining a maximum size related to a maximum amount of usable memory as claimed).

Obrador teaches wherein the first and second media objects are multimedia objects including sound and animation objects that are linked (page 2, paragraph [0024]; pages 2-3, paragraph [0027]; page 3, paragraph [0032]; page 4, paragraph [0034], i.e. multiple media objects comprising digital content such as animated graphics and audio may be packaged and presented in combination in a wide variety of forms).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method for displaying an animation of Carmel et al. to include the teachings of Berend et al., Crosby and Obrador thereby enabling individual frames, sub-sequences or sequences to be moved in time by breaking and replacing links on either side of the frame, sequence or sub-sequence (column 18, lines 21-26) while further eliminating undesirable pauses due to file access and reducing file access time thereby ensuring that the animation files fit within the available memory space when memory space is limited (Crosby: column 8, lines 34-43) and further providing pointers for indexing and linking media objects such as text, audio, graphics, and animated graphics in a wide variety of different forms (Obrador: page 2, paragraph [0024]).

Referring to claim 25, the rationale for claim 24 is incorporated herein, Carmel et al., as modified above, teaches the method for sequencing according to claim 24,

wherein the first media object is a sound file (Carmel et al.: columns 5-6, lines 60-8; Obrador: page 2, paragraph [0024]; page 4, paragraph [0034]).

Referring to claim 28, the rationale for claim 24 is incorporated herein, Carmel et al., as modified above, teaches the method for sequencing according to claim 24, further including a third one of the media objects, but does not specifically teach the third media object having an action instruction indicative of a duration to present the third media object.

Berend et al. teaches a third media object having an action instruction indicative of duration to present the third media object (Figs. 12, 13a-e, 17, 18 and 20-24; column 16, lines 16-30; column 17, lines 5-29; column 30, lines 37-55, i.e. each sequence is comprised of 1-n timelines and each timeline describes the sequential set of frames, both key frames and interpolation frames, the length and the first and last frames addresses of the composite sequence is understood to indicate the duration).

The rationale for combining Carmel et al. with the teachings of Berend et al., Crosby and Obrador as found in the motivation statement of claim 24 is incorporated herein.

Referring to claim 29, the rationale for claim 24 is incorporated herein, Carmel et al., as modified above, teaches the method for sequencing according to claim 24, but does not specifically teach wherein the first media object has an action instruction for loading and presenting a third one of the media objects, the third media object being enabled for presentation concurrently with a first media object.

Obrador teaches wherein the first media object has an action instruction for loading and presenting a third one of the media objects, the third media object enabled for presentation concurrently with a first media object (page 2, paragraph [0024]; pages 2-3, paragraph [0027]; page 3, paragraph [0032]; page 4, paragraph [0034], i.e. media objects comprising digital content such as animated graphics and audio may be packaged and presented in combination in a wide variety of forms including wherein a sound object/audio file plays while a first animation object/sequence, understood to be the second media object, and then a second animation object/sequence, understood to be the third media object, are displayed).

The rationale for combining Carmel et al. with the teachings of Berend et al., Crosby and Obrador as found in the motivation statement of claim 24 is incorporated herein.

Referring to claim 30, the rationale for claim 29 is incorporated herein, Carmel et al., as modified by Berend et al. above, teaches the method for sequencing according to claim 29, but does not specifically teach wherein the third media object enable for presentation after the second media object.

Obrador teaches wherein the third media object is enabled for presentation after the second media object (page 2, paragraph [0024], i.e. multiple media objects comprising digital content such as animated graphics and audio may be packaged and presented in combination in a wide variety of forms).

The rationale for combining Carmel et al. with the teachings of Berend et al., Crosby and Obrador as found in the motivation statement of claim 24 is incorporated herein.

***Response to Arguments***

Applicant's arguments filed 12/6/2007 have been fully considered but they are not persuasive.

Applicant argues, with respect to claims 1, 13 and 24, that Crosby does not teach determining a maximum size related to a maximum amount of memory usable to load images. Applicant submits that the limitation of “maximum” for entirely reading the animation file into the memory in Crosby applies for records and not the images.

Examiner respectfully submits that Crosby teaches wherein an animation file size is kept within the limit of what may be entirely read into main memory such that pauses and jerks caused by file access during animation display is reduced, see column 8, lines 33-46, and thus it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Carmel to include setting the animation file size to be kept within the limit of what may be entirely read into main memory thereby reducing file access time and reducing pauses and jerks in the animated display.

Applicant then argues that Crosby does not teach wherein the animation file contains images but that the animation file consists of a number of record types used to describe the difference between the previous image and the current image, text records and projection records but not the content of the displayable image.

Examiner respectfully submits that Crosby teaches wherein a set of still images and a command file are used to generate an animation file based on the command records and corresponding parameter records found in the command files, such that animation file C consists of a number of individual pixel-set records, text records and projection records and pixel values for the current image stored in the current image array are placed in the pixel-set records thus indicating that the animation file does contain images, see column 2, lines 7-13 and 25-40; column 3, lines 30-35; column 6, lines 28-37; column 7, lines 2-30. It is understood that the difference between the first image and the previous image would be the image itself and thus the pixel set containing the differences for the first image would contain all of the pixel values for that image the pixel set for the next image would compare the next/current image with the first/previous image and then the differences for the next image would be stored in the pixel set as a reduced set. Since the pixel set from the previous image and the pixel set from the current image together contain all of the pixel values for both images then the animation file does contain images as claimed, see column 7, lines 20-23, i.e. the images are compressed and stored in the pixel set records in order to minimize the storage size and to produce faster storage access.

Applicant then argues, with respect to claims 5, 6, 14 and 15, that Crosby does not teach that the maximum size is set at a predetermined memory size for an embedded system or that the maximum size is generated responsive to an inquiry regarding available memory because predetermining the size of the available memory in an embedded system before reading in large groups of records, as disclosed by

Crosby, merely means knowing the size of the available memory. Applicant further argues that the invention discloses that the maximum size may be set dynamically by the embedded system or predefined for a specific device or model of a device such that the maximum size is configured to the specified value in different ways and may not be equal to the size of the available memory, see Remarks, page 10, 3rd paragraph.

It is noted that Applicant admits that Crosby teaches wherein the maximum size is being determined based on the available memory, see Remarks, page 10, 3rd paragraph.

Examiner respectfully submits that Applicant teaches wherein the maximum size is preferably related to the amount of available RAM memory in the embedded device and may be predefined, particularly defined, or dynamically generated, see specification page 3, paragraph [0023]. Since Applicant does not claim that the predetermined memory size is not related to the available memory and since the determination of available memory is one of the options for setting the maximum size then Crosby does teach wherein the maximum size is set at a predetermined memory size (the available memory is determined prior to determining the maximum size of the animation file) for an embedded system or that the maximum size is generated responsive to an inquiry regarding available memory (Crosby cannot know the size of the available memory without inquiring as to its availability), see Crosby, column 8, lines 13-43 and column 9, lines 31-42.

Applicant then argues that the “maximum size” in Carmel applies to layers and not the images themselves and that Carmel teaches wherein a frame is composed of up

to 5 layers or even up to two hundred layers such that the layers can be comprised of images or can simply be a layer without an image thus teaching wherein the number or sizes of images in a layer cannot be determined such that there is no limitation of the number of images or the size of images in Carmel, whereas in Applicant's claims, the set of images are divided into sequential subsets of images each subset having a size up to a maximum size, being indicative of an animation segment.

It is noted that the plurality of images ordered for display and contained in the animation file of the invention are frame images, see Applicant's specification, page 1, paragraphs [0004]-[0005], [0020], [0031]-[0032] and [0036].

Examiner respectfully submits that Crosby teaches wherein a "frame" consists of a complete picture which is displayed as part of a sequence of multiple frames in the animation, see column 4, lines 31-34. Crosby further teaches wherein each animation file contains information regarding the number of images and the number of frames contained in the file, see Figure 1 (elements 61 and 63) and thus the size of an animation file is known. Crosby teaches wherein an animation file size is kept within the limit of what may be entirely read into main memory such that pauses and jerks caused by file access during animation display is reduced, see column 8, lines 33-46, and thus it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Carmel to include determining a first set of images/frames that aggregate to a size up to the maximum size and a second set of images/frames that aggregate to a maximum size thereby reducing file access time and reducing pauses and jerks in the animated display.

Applicant then argues, with respect to Berend, that the callback identifier in Berend is used for linking two key frames (column 14, lines 54-58) which is not equivalent to the concept of a segment comprised by images, pointing to one other segment file, see Remarks page 11, final paragraph.

Examiner respectfully submits that Berend teaches wherein a key frames are generated and then processed to derive intervening/interpolated frames such that the interpolated sequence is animated, see column 15, lines 29-63; columns 15-16, lines 64-15. Berend then teaches wherein a completed animation is an epoch having a title and a table of sequences of successive frames wherein the sequences are stored as a linked list in working memory, see column 16, lines 46-60. Thus the combination of Carmel and Berend teaches wherein the callback identifier is used for linking a sequence comprised of frame images to one other sequence file as claimed.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "...memory is released during displaying of the first segment and once the indication that sufficient memory is available for the second segment occurs, the second set of images are loaded into the animation processor while the images in the first set are being displayed...", see Remarks, page 12fianl paragraph) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicant further argues, with respect to claims 12, 17 and 18, neither Carmel nor Crosby teach that at least some of the memory used during the loading of the content associated with the first media/segment file must be made available for loading (released) before loading of a second segment/media.

Examiner does not rely on primary reference Carmel and secondary reference Berend to teach this particular limitation but instead relies on the combination of Carmel with Crosby to teach this particular limitation. Carmel teaches that once a complete segment/frame is received it is displayed while a next segment is simultaneously being transmitted/received through an asynchronous FTP, see column 5, lines 1-7. Crosby teaches dividing an animation file containing a large number of records such that each file segment fits available memory while still being large enough to reduce the pauses and jerks in the animated display caused by reading the records intermittently simultaneously with the animated display indicates that the memory is being released in order to allow the next file segment to be read into main memory, see the rejection of claim 17 above wherein this limitation has been addressed. Therefore the combination of primary reference Carmel with secondary reference Crosby teaches wherein, as a file segment is displayed another segment is downloaded thus reducing the pauses and jerks that would result if the memory was not made available until the total file segment was displayed.

## ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ROBERTA PRENDERGAST whose telephone number is (571)272-7647. The examiner can normally be reached on M-F 6:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ulka Chauhan can be reached on (571) 272-7782. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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